

ORIGINAL



0000119843

MEMORANDUM

TO: Docket Control

FROM: Steven M. Olea
Director
Utilities Division

EA for SMD

DATE: November 5, 2010

RE: STAFF REPORT FOR EDEN WATER COMPANY'S APPLICATION FOR AN
EMERGENCY RATE INCREASE (DOCKET NO. W-02068A-10-0376)

Attached is the Staff Report for Eden Water Company's ("Eden" or "Company") application for an emergency rate increase. Staff recommends approval of the Company's request for an emergency rate increase using Staff's recommended rates, along with Staff's additional recommendations.

Any party who wishes may file comments to the Staff Report with the Commission's Docket Control by 4:00 p.m. on or before November 15, 2010.

SMO:DRE:red

Originator: Darak R. Eaddy

Attachment: Original and thirteen copies

Arizona Corporation Commission

DOCKETED

NOV - 5 2010

DOCKETED BY	
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DOCKET CONTROL

2010 NOV - 5 PM 3:01

RECEIVED

Service List for: Eden Water Company
Docket No. W-02068A-10-0376

Mr. Jay D. Colvin
Ms. Sebrina Davis
Eden Water Company
9488 North Hot Springs Road
Eden, Arizona 85535

Ms. Janice Alward
Chief, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Steven M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ms. Lyn Farmer
Chief, Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

**STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION**


**EDEN WATER COMPANY
DOCKET NO. W-02068A-10-0376**

**APPLICATION FOR AN
EMERGENCY RATE INCREASE**

NOVEMBER 5, 2010

STAFF ACKNOWLEDGMENT

The Staff Report for Eden Water Co., Docket No. W-02068A-10-0376, was the responsibility of the Staff members listed below. Darak R. Eaddy was responsible for the financial review and analysis of the Company's application. Dorothy Hains was responsible for the engineering and technical analysis. Carmen Madrid was responsible for reviewing the Commission's records on customer complaints filed with the Commission.



Darak R. Eaddy
Public Utilities Analyst II



Dorothy Hains
Utilities Engineer



Carmen Madrid
Public Utilities Consumer Analyst

**EXECUTIVE SUMMARY
EDEN WATER COMPANY
DOCKET NO. W-02068A-10-0376**

Eden Water Company ("Eden" or "Company") is a Class D water utility located in the town of Eden in Graham County, Arizona. Eden provides potable water to approximately 129 metered customers in its certificated area.

Eden filed a request for an emergency rate increase on September 10, 2010. The Company stated in its emergency rate application that its request was due to an increase in the cost of water that it receives from Graham County Utilities ("GCU"), and that it could not cover its cost with its current rates. In Decision No. 71690 dated May 3, 2010, the Arizona Corporation Commission ("Commission") granted a resale water rate increase to GCU of \$0.41 from \$1.51 per thousand gallons to \$1.92 per thousand gallons. This increase is higher than what was anticipated by Eden. The resulting severe financial impact on the Company's operations has created the need for emergency rate relief, as the Company has been unable to generate revenues sufficient to meet its operating expenses.

Eden's application requested that an emergency rate increase be added to the Company's existing volumetric and minimum charges. The emergency volumetric surcharge requested is \$0.80 per thousand. This would result in an increase of 29.6 percent over the current volumetric charge of \$2.70 per thousand. The emergency monthly minimum surcharge requested is \$4.25 per month per customer for the 5/8-inch meter customer and \$10.00 per month per customer for the 2-inch meter customer. The 5/8-inch customer would experience a 27 percent increase from the current monthly minimum of \$15.75 per month for a total monthly minimum charge of \$20.00 per month. The 2-inch meter customer would experience a 40 percent increase from the current monthly minimum of \$25.00 per month for a total monthly minimum charge of \$35.00 per month.

The Company's proposed rates would increase the typical 5/8-inch meter residential bill with an approximated average usage of 7,500 gallons from \$36.00 to \$46.25, an increase of \$10.25 or 28.5 percent.

Staff has recommended an emergency surcharge of \$0.41 per thousand gallons of usage. Staff's recommended emergency surcharge would produce the exact amount of revenue required to cover the additional cost to the Company as a result of the GCU resale water rate increase.

Staff's recommended rates would increase the typical 5/8-inch meter residential bill with an approximated average usage of 7,500 gallons from \$36.00 to \$39.08, an increase of \$3.08 or 8.6 percent. Staff's recommended rates utilizing the 2009 water sold amount of 17,493,000 gallons would produce an additional \$7,172.13 in revenue for the Company.

Staff recommends approval of an emergency rate increase sought by Eden utilizing Staff's recommended emergency surcharge of \$0.41 per 1,000 gallons of usage.

Staff further recommends that the emergency surcharge be interim.

Staff further recommends that the interim rate be subject to refund pending the decision resulting from the permanent rate increase case required to be filed in this proceeding.

Staff further recommends that the Company be directed to file within 30 days of the Order, a revised rate schedule reflecting the emergency surcharge with Docket Control, as a compliance item in this docket.

Staff further recommends that the Company notify its customers of the revised rates, and its effective date, in a form acceptable to Staff, by means of an insertion in the Company's next regularly-scheduled billing.

Staff further recommends that the Company file a full rate application within 6 months of the Decision issued in the instant case.

Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, documentary evidence that the Company has posted a bond, an irrevocable sight draft letter of credit, or cashier's check in the amount of \$20.00, prior to implementing the emergency rate increase authorized in this proceeding.

Staff further recommends that the Company monitor its system and record the gallons purchased and sold to determine the non-account water for calendar year 2010. The Company should coordinate when it reads the source meters each month with when it reads the customer meters so that an accurate accounting of the water pumped and the water delivered to customers is determined. The results of this monitoring and reporting shall be filed in the Company's 2011 Annual Report filed with the Commission. If the reported water loss is greater than 10 percent, the Company shall prepare a report containing a detailed analysis and plan to reduce water loss to 10 percent or less. If the Company believes it is not cost effective to reduce the water loss to less than 10 percent, it should submit a detailed cost benefit analysis to support its opinion. In no case shall the Company allow water loss to be greater than 15 percent. The water loss reduction report or the detailed analysis, whichever is submitted, shall be docketed as a compliance item within 180 days of the effective date of the order issued in this proceeding.

Staff further recommends that the Company file with the Commission's Docket Control as a compliance item in this docket, Arizona Department of Water Resources ("ADWR") documentation showing compliance with ADWR requirements. Staff further recommends that this documentation be filed within 90 days of the effective date of the Commission's Decision in this matter.

Staff further recommends that the Company file a curtailment tariff as soon as possible, but no later than forty-five (45) days after the effective date of the Commission Decision in this matter.

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INTRODUCTION

On September 10, 2010, Eden Water Company ("Eden" or "Company") filed an application for an emergency rate increase with the Arizona Corporation Commission ("Commission"). On October 12, 2010, a Procedural Order was issued setting November 16, 2010, as the date for the hearing on the application.

Eden has stated that the Company is experiencing a severe financial impact to its financial operations due to the increase in the cost of water. The Company stated in its emergency rate application that, due to an increase in the cost of water that it receives from Graham County Utilities ("GCU") it could not cover its cost with its current rates. In Decision No. 71690 dated May 3, 2010, the Commission granted a resale water rate increase to GCU of \$0.41, from \$1.51 per thousand gallons to \$1.92 per thousand gallons. This increase is higher than what was anticipated by Eden.

In 2009, the Company posted a \$10,603 operating loss as shown on the income statement filed by the Company with its emergency application. By a significant degree, purchased water comprised the largest operating expense in 2009. Based on these findings, Staff has concluded that the Company will be unable to generate sufficient funds to meet its operating costs with its current rates, and without emergency rate relief the Company will not be able to continue to provide water. The Company is also in the process of replacing some smaller lines to enhance the distribution of its water system.

BACKGROUND

Eden is an Arizona class D utility engaged in the business of providing potable water service.

The current rates have been in effect since September 1, 1995, per Decision No. 59261.

ENGINEERING ANALYSIS

A complete discussion of Staff's technical findings and recommendations and a complete description of the water system are provided in the attached Engineering Report.

Existing Water System

According to data contained in the Company's 2009 Annual Report filed with the Commission, the Company water system consists of two spring wells with a combined production rate of 45 gallons per minute ("GPM"), three storage tanks with a total storage capacity of 205,000 gallons, a booster pump station and distribution system. The Company's water system is also interconnected with GCU's water system via a 4-inch master meter located west of the Town of Pima ("Pima") on US Highway 70 and a 6-inch master meter located on Bryce-Eden Rd approximately four miles northwest of Pima. On January 8, 1978, the Company

signed a Service Agreement ("Agreement") with GCU, in this Agreement GCU agrees to provide water to Eden. The agreement does not limit the amount of water that will be delivered to Eden.

Arizona Department of Environmental Quality determined that the Company's spring wells were producing surface-related water and that further treatment would be necessary if this water were going to be used for potable water purposes. The Company determined that it would not be cost effective to treat the water produced by its spring wells because of the high cost to treat the limited amount of water these wells would have produced.

Conclusions

Staff concludes that the Company has adequate production through the Agreement with GCU.

COMPLIANCE

The Utilities Division Compliance Section shows no outstanding compliance issues.

CONSUMER SERVICES

A review of the Consumer Services Section database from January 1, 2007, to September 23, 2010, revealed that there have been no complaints filed on Eden.

The Company is in good standing with the Corporations Division of the Commission.

FINANCIAL ANALYSIS

In its emergency rate application, the Company stated that due to the rate increase received by GCU from the Commission, the Company is experiencing financial hardship in covering its operating costs with existing tariff rates. The resale water rate authorized by the Commission in Decision No. 71690 dated May 3, 2010, increased to \$1.92 per thousand, a \$0.41 increase from the previous rate of \$1.51 per thousand.

Eden's application requested that an emergency rate increase be added to the Company's existing volumetric and minimum charges. The emergency volumetric surcharge requested is \$0.80 per thousand. This would result in an increase of 29.6 percent over the current volumetric charge of \$2.70 per thousand. The emergency monthly minimum surcharge requested is \$4.25 per month per customer for the 5/8-inch meter customer and \$10.00 per month per customer for the 2-inch meter customer. The 5/8-inch customer would experience a 27 percent increase from the current monthly minimum of \$15.75 per month for a total monthly minimum charge of \$20.00 per month. The 2-inch meter customer would experience a 40 percent increase from the current monthly minimum of \$25.00 per month for a total monthly minimum charge of \$35.00 per month.

The Company's proposed rates would increase the typical 5/8-inch meter residential bill with an approximated average usage of 7,500 gallons from \$36.00 to \$46.25, an increase of \$10.25 or 28.5 percent as shown on Schedule DRE-1. The typical bill analysis was performed with an approximated average usage provided by Company representatives as the median usage was not available.

Staff calculates that under the Company's proposed emergency surcharges and based on the 2009 water sold amount of 17,493,000 gallons, the Company will receive an additional \$18,044.50 in revenue.

Staff has recommended an emergency surcharge of \$0.41 per thousand gallons of usage. Staff's recommended emergency surcharge would produce the exact amount of revenue required to cover the additional cost to the Company as a result of the GCU resale water rate increase.

Staff's recommended rates would increase the typical 5/8-inch meter residential bill with an approximated average usage of 7,500 gallons from \$36.00 to \$39.08, an increase of \$3.08 or 8.6 percent as shown on Schedule DRE-1. Staff's recommended rates utilizing the 2009 water sold amount of 17,493,000 gallons would produce an additional \$7,172.13 in revenue for the Company.

Staff agrees with the Company that an emergency situation exists from a financial standpoint. Staff believes that Eden's current situation meets the general conditions necessary for interim emergency rate consideration as set forth in Attorney General Opinion No. 71 - 17. Staff believes that Eden has experienced a situation of sudden change that brings hardship to the Company, and a situation where the ability of Eden to maintain service, pending a formal rate determination, is in serious doubt.

However, Staff does not recommend Eden's proposed rate design for its emergency surcharge. Staff does not recommend an emergency rate design methodology that includes emergency rate increases to the Company's volumetric and monthly minimum charges. In emergency rate applications, simplicity in rate design is preferable given the lack of financial information. Given this criteria, Staff recommends an emergency surcharge of \$0.41 per thousand gallons of usage.

Staff's recommendation is derived from the rate increase authorized by the Commission to GCU of \$0.41. Staff's recommended rate of \$0.41 would provide the Company the exact amount of additional revenue needed to address the emergency situation. In the Company's emergency rate application it did not request or provide information for coverage of any additional cost beyond the GCU resale water rate increase. Therefore Staff believes its recommended emergency surcharge of \$0.41 per 1,000 gallons of usage is the most appropriate rate to remedy the Company's financial emergency.

Staff also recommends that the Company be required to post a nominal bond, irrevocable sight draft letter of credit, or cashier's check in the amount of \$20.00 to meet the requirements of emergency rate applications.

CONCLUSIONS

The Company's current situation does constitute an emergency from a financial standpoint.

The Company should be granted emergency rate relief in the form of an emergency surcharge in order to meet its financial operating obligations.

STAFF RECOMMENDATIONS

Staff has recommended an emergency surcharge of \$0.41 per thousand gallons of usage. Staff's recommended emergency surcharge would produce the exact amount of revenue required to cover the additional cost to the Company as a result of the GCU resale water rate increase.

Staff's recommended rates would increase the typical 5/8-inch meter residential bill with an approximated average usage of 7,500 gallons from \$36.00 to \$39.08, an increase of \$3.08 or 8.6 percent. Staff's recommended rates utilizing the 2009 water sold amount of 17,493,000 gallons would produce an additional \$7,172.13 in revenue for the Company.

Staff recommends approval of an emergency rate increase sought by Eden utilizing Staff's recommended emergency surcharge of \$0.41 per 1,000 gallons of usage.

Staff further recommends that the emergency surcharge be interim.

Staff further recommends that the interim rate be subject to refund pending the decision resulting from the permanent rate increase case required to be filed in this proceeding.

Staff further recommends that the Company be directed to file within 30 days of the Order, a revised rate schedule reflecting the emergency surcharge with Docket Control, as a compliance item in this docket.

Staff further recommends that the Company notify its customers of the revised rates, and its effective date, in a form acceptable to Staff, by means of an insertion in the Company's next regularly-scheduled billing.

Staff further recommends that the Company file a full rate application within 6 months of the Decision issued in the instant case.

Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, documentary evidence that the Company has posted a bond, an irrevocable

sight draft letter of credit, or cashier's check in the amount of \$20.00, prior to implementing the emergency rate increase authorized in this proceeding.

Staff further recommends that the Company monitor its system and record the gallons purchased and sold to determine the non-account water for calendar year 2010. The Company should coordinate when it reads the source meters each month with when it reads the customer meters so that an accurate accounting of the water pumped and the water delivered to customers is determined. The results of this monitoring and reporting shall be filed in the Company's 2011 Annual Report filed with the Commission. If the reported water loss is greater than 10 percent, the Company shall prepare a report containing a detailed analysis and plan to reduce water loss to 10 percent or less. If the Company believes it is not cost effective to reduce the water loss to less than 10 percent, it should submit a detailed cost benefit analysis to support its opinion. In no case shall the Company allow water loss to be greater than 15 percent. The water loss reduction report or the detailed analysis, whichever is submitted, shall be docketed as a compliance item within 180 days of the effective date of the order issued in this proceeding.

Staff further recommends that the Company file with the Commission's Docket Control as a compliance item in this docket, Arizona Department of Water Resources ("ADWR") documentation showing compliance with ADWR requirements. Staff further recommends that this documentation be filed within 90 days of the effective date of the Commission's Decision in this matter.

Staff further recommends that the Company file a curtailment tariff as soon as possible, but no later than forty-five (45) days after the effective date of the Commission Decision in this matter.

TYPICAL BILL ANALYSIS
General Service 5/8 x 3/4 - Inch Meter

<u>Company Proposed</u>	<u>Gallons</u>	<u>Present Rates</u>	<u>Proposed Rates</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
Average Usage	7,500	\$36.00	\$46.25	\$10.25	28.5%
Median Usage	7,500	\$36.00	\$46.25	\$10.25	28.5%
<u>Staff Recommend</u>					
Average Usage	7,500	\$36.00	\$39.08	\$3.08	8.6%
Median Usage	7,500	\$36.00	\$39.08	\$3.08	8.6%

Present & Proposed Rates (Without Taxes)
General Service 5/8 x 3/4 - Inch Meter

<u>Gallons Consumption</u>	<u>Present Rates</u>	<u>Company Proposed Rates</u>	<u>% Increase</u>	<u>Staff Proposed Rates</u>	<u>% Increase</u>
0	\$15.75	\$20.00	27.0%	\$15.75	0.0%
1,000	18.45	23.50	27.4%	18.86	2.2%
2,000	21.15	27.00	27.7%	21.97	3.9%
3,000	23.85	30.50	27.9%	25.08	5.2%
4,000	26.55	34.00	28.1%	28.19	6.2%
5,000	29.25	37.50	28.2%	31.30	7.0%
6,000	31.95	41.00	28.3%	34.41	7.7%
7,000	34.65	44.50	28.4%	37.52	8.3%
8,000	37.35	48.00	28.5%	40.63	8.8%
9,000	40.05	51.50	28.6%	43.74	9.2%
10,000	42.75	55.00	28.7%	46.85	9.6%
15,000	56.25	72.50	28.9%	62.40	10.9%
20,000	69.75	90.00	29.0%	77.95	11.8%
25,000	83.25	107.50	29.1%	93.50	12.3%
50,000	150.75	195.00	29.4%	171.25	13.6%
75,000	218.25	282.50	29.4%	249.00	14.1%
100,000	285.75	370.00	29.5%	326.75	14.3%
125,000	353.25	457.50	29.5%	404.50	14.5%
150,000	420.75	545.00	29.5%	482.25	14.6%
175,000	488.25	632.50	29.5%	560.00	14.7%
200,000	555.75	720.00	29.6%	637.75	14.8%

MEMORANDUM

DATE September 28, 2010

TO: Darak Eaddy
Public Utility Analyst II

FROM: Dorothy Hains, P. E. *DH*
Utilities Engineer

RE: **Eden Water Company, Inc.**
Application for Emergency Rate Increase (Docket No. W-02068A-10-0376)

INTRODUCTION

Eden Water Company ("Eden" or "Company") serves the community of Eden in Graham County. The Company's service area is located approximately 13 miles northwest of Safford along U. S. Highway 70. The Company serves approximately a 12.5 square mile area in Sections 20, 21, 27, 28, 29, 30, 31, 32, and 33 of Township 5 South and Range 24 East and Sections 4, 5, 9, 10, 11, 13 and 14 of Township 6 South and Range 24 East. During 2009 the Company served 127 customers.

On September 13, 2010, the Company filed with the Arizona Corporation Commission ("Commission" or "ACC") a request for an emergency rate increase. The Company indicated that its request for an emergency rate increase was necessary, because the Company's water provider, Graham County Utility Co. ("GCU") raised its rates. Eden operates a consecutive water system to GCU and purchases the water and delivers it to its customers. The Commission in Decision No. 71690 approved higher rates for GCU. According to Eden it needs additional funds to help pay for the water it has purchased from GCU since May 2010.

EDEN WATER SYSTEMSystem Analysis

According to data contained in the Company's 2009 Annual Report filed with the Commission, the Company water system consists of two spring wells with a combined production rate of 45 gallons per minute ("GPM"), three storage tanks with a total storage capacity of 205,000 gallons, a booster pump station and distribution system. The Company's water system is also interconnected with GCU's water system via a 4-inch master meter located west of the Town of Pima ("Pima") on US Highway 70 and a 6-inch master meter located on Bryce-Eden Rd. approximately four miles northwest of Pima. On January 8, 1978, the Company signed a Service Agreement ("Agreement") with GCU, in this Agreement GCU agrees to provide water to Eden. The agreement does not limit the amount of water that will be delivered to Eden.

Arizona Department of Environmental Quality ("ADEQ") determined that the Company's spring wells were producing surface related water and that further treatment would be necessary if this water were going to be used for potable water purposes. The Company determined that it would not be cost effective to treat the water produced by its spring wells because of the high cost to treat the limited amount of water these wells would have produced.

Commission Utilities Division Staff ("Staff") concludes that the Company has adequate production through the Agreement with GCU.

Water Loss

Water use data reported by the Company indicates that in 2009 there was 19.48% water loss in the system which exceeds Staff's recommended allowable water loss limit of 10%. Staff recommends that the Company monitor its system and record the gallons purchased and sold to determine the non-account water for calendar year 2010. The Company should coordinate when it reads the source meters each month with when it reads the customer meters so that an accurate accounting of the water purchased and the water delivered to customers is determined. The results of this monitoring and reporting shall be filed in the Company's 2011 Annual Report filed with the Commission. If the reported water loss is greater than 10%, the Company shall prepare a report containing a detailed analysis and plan to reduce water loss to 10% or less. If the Company believes it is not cost effective to reduce the water loss to less than 10%, it should submit a detailed cost benefit analysis to support its opinion. In no case shall the Company allow water loss to be greater than 15%. The water loss reduction report or the detailed analysis, whichever is submitted, shall be docketed as a compliance item within 180 days of the effective date of the order issued in this proceeding.

ADEQ COMPLIANCE

Eden

Staff received an ADEQ Drinking Water Compliance Status Report dated September 21, 2010, in which ADEQ reported that the Eden water system, Public Water System ("PWS") No. 05-003, is in compliance with ADEQ requirements and is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.

GCU

Staff received an ADEQ Drinking Water Compliance Status Report dated September 30, 2010, in which ADEQ reported both GCU water systems (PWS #05-001 and 05-002) were in full compliance with ADEQ requirements and were currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.

ARIZONA DEPARTMENT OF WATER RESOURCES ("ADWR") COMPLIANCE

Eden

Eden is not located in any ADWR Active Management Area ("AMA"). Staff received a Water Provider Compliance Status Report dated September 22, 2010, in which ADWR reported that Eden had not filed a community water system plan with the department. Staff recommends that the Company file with the Commission's Docket Control as a compliance item in this docket, ADWR documentation showing compliance with ADWR requirements. Staff further recommends that this documentation be filed within 90 days of the effective date of the Commission's Decision in this matter.

GCU

GCU is not located in any ADWR AMA. Staff received a Water Provider Compliance Status Report dated September 22, 2010, in which ADWR reported that GCU is currently compliant with departmental requirements governing water providers and/or community water systems.

ACC COMPLIANCE

A check of the Utilities Division Compliance Database indicates that there are currently no delinquent compliance items for Eden.

OTHER ISSUES

Cross Connection /Backflow Tariff

The Company has an approved Cross Connection Tariff.

Curtailment Tariff

The Company does not have an approved Curtailment Tariff. Staff recommends that the Company file a curtailment tariff as soon as possible, but no later than forty-five (45) days after the effective date of the Commission Decision in this matter. The tariff shall be filed with Docket Control as a compliance item under this same docket number for Staff's review and certification. Staff further recommends that the tariff shall generally conform to the sample tariff found on the Commission's web site at <http://www.azcc.gov/Divisions/Utilities/forms/Curtailment%20Consecutive%202009.doc>.

SUMMARY

Conclusions

1. ADEQ reported that the both Eden and Graham County Utilities water systems are in compliance with ADEQ requirements and are currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.
2. A check of the Utilities Division Compliance Database indicates that there are currently no delinquent compliance items for Eden.
3. ADWR reported that Graham County Utilities was currently in compliance with departmental requirements governing water providers and/or community water systems.
4. The Company has an approved Cross Connection Tariff.

Recommendations

1. Staff recommends that the Company monitor its system and record the gallons purchased and sold to determine the non-account water for calendar year 2010. The Company should coordinate when it reads the source meters each month with when it reads the customer meters so that an accurate accounting of the water pumped and the water delivered to customers is determined. The results of this monitoring and reporting shall be filed in the Company's 2011 Annual Report filed with the Commission. If the reported water loss is greater than 10%, the Company shall prepare a report containing a detailed analysis and plan to reduce water loss to 10% or less. If the Company believes it is not cost effective to reduce the water loss to less than 10%, it should submit a detailed cost benefit analysis to support its opinion. In no case shall the Company allow water loss to be greater than 15%. The water loss reduction report or the detailed analysis, whichever is submitted, shall be docketed as a compliance item within 180 days of the effective date of the order issued in this proceeding.
2. Staff recommends that the Company file with the Commission's Docket Control as a compliance item in this docket, ADWR documentation showing compliance with ADWR requirements. Staff further recommends that this documentation be filed within 90 days of the effective date of the Commission's Decision in this matter.
3. Staff recommends that the Company file a curtailment tariff as soon as possible, but no later than forty-five (45) days after the effective date of the Commission Decision in this matter.